

**LOWER PAXTON TOWNSHIP  
PLANNING COMMISSION  
January 12, 2005**

**MEMBERS PRESENT**

Fred Lighty  
W. Roy Newsome  
Denise Guise  
Ernest Gingrich  
William Neff  
Richard Beverly  
Elizabeth. Seibert

**ALSO PRESENT**

Lori Wissler, Zoning Officer  
Dianne Moran, Zoning Officer  
Chip Millard, Dauphin County

**CALL TO ORDER**

Chairman Lighty called the Lower Paxton Township Planning Commission meeting to order at 7:03 p.m, at the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Mr. Lighty led the members in the recitation of the Pledge of Allegiance to the Flag.

**Approval of Minutes**

The minutes from the December meeting had not been distributed to the members of the Planning Commission, therefore the December minutes were not approved.

**Old Business  
Preliminary/Final Land Development Plan 04-28 for  
Kurtz Rentals**

Ms. Wissler noted that this plan was tabled by the applicant at the October 2004, Planning Commission Meeting. She explained that the purpose of the plan was to propose two self-storage buildings totaling, 5,552 square feet on a property that contains an existing 2,557 square foot, four-unit apartment building. The tract consists of 1.3 acres and is zoned C-1, Commercial, and would be served by public sewer and an on-lot well. The property is located south of Linglestown Road east of Albany Road.

Ms. Wissler noted that three waivers had been requested. They are, the waiver to submit a preliminary plan, the waiver to require curbs on the eastern end and sidewalk along the Linglestown Frontage, and the waiver to provide low flow channels and underdrains in detention basins.

Ms. Wissler noted that staff comments and comments from BL Companies were included in the member's packets. She noted that Mr. David Weihbrecht, of Alpha Consulting Engineers was present on behalf of the applicant.

Mr. Newsome noted that the boundary for the 100-year flood plain was shown on the plan, and he questioned Ms. Wissler if the drawings were accurate. Ms. Wissler noted that there

was a question regarding this and she explained that Mr. Weihbrecht had completed the research into this area and would be in a better position to answer the question. Mr. Newsome questioned Ms. Wissler regarding the three waiver requests. Ms. Wissler noted that, at the previous meeting, a waiver was granted for the curbing and sidewalks. She noted that in regards to the flow channel, Mr. Weihbrecht's justification is consistent with current practices mandated by the Department of Environmental Protection; therefore Staff is supportive of this waiver.

Mr. Weihbrecht noted that the previously submitted plan was for a mobile home park with three units. He noted that nothing has changed in the plan except that personal storage units are now a permitted use in the C-1, Commercial Zoning District. He noted that a detail study was completed by the Federal Emergency Management Agency, FEMA, and mapped out the water elevations are based on the 100-year flood plan. He noted that the drawings are accurate based on this information. Mr. Gingrich questioned if the area was part of the actual detail study. Mr. Weihbrecht answered that it was, and he took the mapping information from that study.

Mr. Guise noted that the fire company had a comment regarding the chain linked fence and gate. Mr. Weihbrecht noted that another gate would be installed with a Knox Box access. He noted that the second gate would be added to the plan, and that it would be located to the right of the entrance. Mr. Guise suggested that Mr. Weihbrecht address this issue with the Linglestown Fire Company.

Mr. Neff questioned if there would be a sprinkler system. Mr. Weihbrecht answered that there would be no sprinkler system. He noted that the fire code mandates that a fire hydrant be installed every 400 square feet.

Mr. Lighty questioned if Mr. Weihbrecht would be posting a stop sign at the exit. Mr. Weihbrecht answered that he would.

Mr. Guise noted that, regarding site-specific comment number seven, the plan does not conform to the landscaping requirements, and that four street trees are required. He noted that if the 18-inch maple tree is to be removed, it must be replaced with a similar size tree. Mr. Weihbrecht noted that if the ordinance requires the replacement of the tree, then he would replace the tree. He noted that he would meet whatever the requirements call for. He noted that he disagreed that the building plans do not correspond with what is shown on the plan. He stated that he would resolve this with staff. He noted that he did not show the storm water basins or landscaping on the plan since this is part of the new design standards to be adopted after the changes were made to the C-1 Zoning requirements. He noted that the design standards state that no landscaping is allowed within 30 feet of the spillway, and it would cover both sides of the spillway, therefore he cannot add landscaping and comply with the ordinance. He stated that he would make whatever changes are necessary.

Mr. Gingrich questioned the status of the E&S Plan. Mr. Weihbrecht answered that he has received all the permits, and that the envelope of disturbance is smaller than the mobile home park. He noted that he has an approved E&S Plan, and a Highway Occupancy Permit.

Mr. Neff noted that a notation of deed line is shown on Linglestown Road. He questioned if the property would be reduced on the northern end. Mr. Weihbrecht stated that the property line on the northern end is based on the PENNDOT right-of-way. He noted that there was a condemnation when PENNDOT put the culvert in east of the site. He noted that that probably

reflected the deed line. He stated that it is not a dedicated right-of-way, but it is the recorded right-of-way according to PENNDOT records. He noted that the deed line was probably taken by condemnation, and he noted that he would add a note to the plan to show that.

Mr. Neff noted that he had a concern regarding the back part of the property in the area of the flood plain. He questioned what the information was based on. Mr. Weihbrecht noted that it was based on a detail study on file with the Township. He noted that previously Mr. Sutor had asked to see the cross section of the elevation on the eastern side of the property line, and that is shown on the maps. He noted that it shows the 100-year water sedimentation south of Linglestown Road.

Mr. Neff questioned if he was proposing to fill in the site. Mr. Weihbrecht noted that the building would be built at grade.

Mr. Neff questioned if the property east of the plan was zoned C-1. Ms. Wissler answered that it was. Mr. Neff noted that there were a few houses on Ranger Road and he questioned what buffer would be required since the brick house sits very low. He noted that there are a few trees in the area, but that they are not worth saving. Ms. Wissler noted that if a property in C-1 is adjacent to a residential district, the required landscaping shall provide, at maturity, a visual barrier between the two.

Mr. Newsome noted that he had previously requested that all development plans should list the adjacent zoning on the maps. He noted that if this is not a requirement, then the specifications should be changed to reflect this. Ms. Wissler noted that it is a requirement to designate the different zoning districts. Ms. Wissler noted that Mr. Weihbrecht indicated the zoning on all the adjacent properties. Mr. Newsome noted that buffering is required for the residential area, and he questioned if it was shown on the plan. Mr. Guise noted that a 40-foot landscape buffer was shown. Mr. Weihbrecht noted that he indicated a 15-foot landscape buffer for commercial, and the residential landscape is 40-foot with an 80-foot building setback. He noted that he would maintain the trees that are currently there. Mr. Neff noted that he did not see any trees worth preserving, therefore no buffering exists. Mr. Weihbrecht noted that he would maintain whatever screening is required by the Ordinance. Mr. Neff noted that the screening should be shown on the plan. Ms. Wissler noted that she reviewed the property, on road tour, during the summer and she stated that she found sufficient trees on the property. Mr. Weihbrecht noted that there is an elevation issue, in that the neighboring properties are located on the other side of the creek, which sets their lot lower than Mr. Weihbrecht's site. Ms. Wissler noted that, typically, the Township requires scattered 10-foot pine trees for screening. Mr. Lighty noted that it is winter and the trees would be bare this time of the year.

Mr. Neff questioned if flammable items would be stored on-site. Mr. Weihbrecht answered that they would not be, that the storage areas are for standard personal use, and this would be controlled by restrictions in the lease.

Mr. Newsome questioned how many units were in the apartment buildings. Mr. Weihbrecht answered that there were four units. Mr. Newsome questioned if seven parking spaces would be designated for the apartment units. Mr. Weihbrecht noted that he would provide whatever was required by code. Mr. Newsome noted that eight parking spaces would be mandated by the ordinance.

Mr. Lighty questioned if Mr. Weihbrecht had received the comments by BL Companies. Mr. Weihbrecht noted that he did, and he stated that they requested him to show how he intends to screen the dumpster. He noted that he would install a wooden fence around the dumpster, and that he agreed with the rest of the comments.

Mr. Lighty questioned Mr. Mallard if he had any comments. Mr. Mallard answered that he compared his comments to the comments from the original plan, and he noted that those comments seemed to have been taken care of. He noted that in the area without a fence, the buildings function as a barrier for access to the storage areas, and he questioned if there would be a security issue regarding this. Mr. Weihbrecht answered that there is no access to the rear of the building, but to market the building it must be secured and fenced. He noted that he couldn't install a fence and maintain access to apartment buildings. He noted that 40 feet of building number two would not be secured.

Mr. Mallard noted that in regards to Mr. Neff's question, the Township could change the ordinance to state that buffering and screening that is adjacent to a residential district or use, so that you could capture those uses that are nonconforming and where there is incapability. Mr. Lighty noted that it would be good for Mr. Mallard to bring this up at the joint Board of Supervisors and Planning Commission Ordinance Review Workshop Meeting.

Mr. Lighty questioned if there was anyone from the audience who wished to comment on the plan. There being none, he questioned what was the Planning Commission's desire regarding the plan.

Mr. Gingrich made a motion to recommend approval for the Kurtz Rental preliminary/final land development plan subject to the comments that had been provided, and the waiver of the requirement for preliminary plan and the other waivers that were already provided from the previous submission. Ms. Wissler noted that the Planning Commission must act on the requests for waivers again. Mr. Gingrich noted that he would grant approval for the waiver for the sidewalk and curb, and the waiver for the low flow channels and under drains in the detention basin. Ms. Seibert seconded the recommendation. A unanimous voice vote followed, and the plan was approved

**New Business**  
**Conditional Use 05-01 for**  
**Danny's Tire Sales, Inc. Automotive Repair Service Shop**

Ms. Moran explained that the Township received an application for a Conditional Use Permit that would allow the operations of an automotive repair shop to be located at 491-H Blue Eagle Avenue. The property is zoned LL-1, Limited Light Industrial, which does allow for the operation of automotive repair shops as a conditional use. She noted that conditional use applications for the operation of an automotive repair shop are reviewed under the criteria listed in Articles 1193.05 and 1193.06, General Use Standards and Performance Standards, respectively and 1193.07(e) of the Lower Paxton Township Codified Ordinance. Supporting information from Danny's Tire Sales has been submitted.

Ms. Moran stated that Mr. McClain and Ms. Swartz were present to represent the Conditional Use Application.

Ms. Moran noted that all outdoor storage of parts and supplies are to be screened from public view by a solid fence or enclosure at least six feet in height. Ms. Moran noted that Mr. McClain stated that there would be no outdoor storage on site. The Ordinance further states that no vehicle or vehicle chassis used for parts are to be stored on the premises. Mr. McClain's letter to the Township states that all parts or cars will be inside the building and there would be no cars, chassis or parts outside the building. The Ordinance further states that unlicensed vehicles awaiting repairs shall be limited to one and one-half times the number of repair bays, and Mr. McClain states that all cars for repair work shall be licensed. In addition, adequate off-street parking shall be provided for all customers in accordance with Article 1187. She noted that Mr. McClain would have 15 spaces designated for his use, which meets the requirement. In addition, the Ordinance requires that public sewer and public water shall service the site proposed for the automotive repair shop. She noted that public water and sewer service the site.

Mr. Beverly had a question regarding the six staff comments regarding no towing of vehicles to the site. He noted that if a vehicle is disabled it would need to be towed to the site. Ms. Moran noted that she spoke to Ms. Carroll from Triple Crown Corporation, and she stated that it is their requirement that there would be no towing. Mr. Newsome questioned how a person could operate an automobile repair place without towing vehicles to it. Mr. McClain explained that he would have to tow repairs to the business. Ms. Carroll stated that Triple Crown Corporation would allow automobiles that need to be repaired to be towed to the site, but she noted that part of Mr. McClain's business at his other site is a towing business, and this part of the business would not be a permitted use at the Blue Flag Avenue location. She explained that he would not be permitted to dropped off and store vehicles at the common area of the building. Mr. Newsome questioned if cars would be towed to the site. Mr. McClain noted that cars would be towed to the site for repair only. Ms. Moran noted that this was not part of the Ordinance requirements, but it was added to ensure that Mr. McClain did not use the area for storage of towed vehicles.

Mr. Daniel McClain of 5809 Mayfair Drive explained that he had been a long-time life member of Lower Paxton Township. He explained that he sold his previous building located in West Hanover Township and that he wanted to build a new building in the Township but there was no property available. He explained that he approached Triple Crown Corporation, and they provided him with a suitable place to operate his business. He noted that his other business, a towing, repair and tire service is located at 5140 Jonestown Road. He explained that he had an additional storage area for his damage or abandoned vehicles, and that the only vehicles that would be towed to the Blue Flag Avenue address would be for repair service only.

Mr. Guise questioned which bays he would occupy. Mr. McClain explained that he would occupy five garages, with three overhead doors, and two overhead doors at dock areas. He noted that it would entail bay 7, 8, 9, 10, and 11. Mr. McClain noted that the property totals 10,000 square feet. Ms.. Moran showed the Commission members the specific area on the map.

Mr. Lighty noted that there would be other bays on both sides of Mr. McClain's property. Mr. McClain noted that he is in the middle of the building. Mr. Guise questioned how many garage doors there would be. Mr. McClain answered that he would have five garage doors.

Mr. Lighty questioned if Triple Crown Corporation was going to renovate the façade of the building to allow for an extra door. Ms. Carroll noted that there are five doors in place currently. Mr. McClain explained that there are three overhead doors at ground level and two

overhead doors with a dock area. Mr. Guise questioned if Mr. McClain was satisfied with the number of bay doors. Mr. McClain answered that he was.

Mr. Lighty questioned if there were any comments from Mr. Mallard. Mr. Mallard answered that he did not have any comments.

Mr. Lighty questioned if there was anyone from the audience who wished to comment on the plan. There being none, he questioned what was the Planning Commission's desire regarding the plan.

Mr. Beverly made a recommendation to approve the Conditional Use for Danny's Tire Sales, Inc. Automotive Repair Shop at 491 H Blue Eagle Avenue for the Limited Light Industrial operation of automotive repair shop as a conditional use. Mr. Newsome seconded the recommendation. A unanimous voice vote was taken.

**Preliminary/Final Subdivision and Land Development Plan # 04-32 for  
Harrisburg Gastroenterology LTD**

Ms. Moran explained that the plan proposes the construction of an expansion on the east side of the existing building, a new parking lot on the adjacent eastern parcel, installation of concrete curbing and sidewalks and the installation of new on-site storm water collection and detention facilities. The project site is located at 4760 Union Deposit Road. The property is zoned R-O, Research Office District, and consists of 4.557 acres. Public sewer and public water service the property. She noted that the applicant requested one waiver for the preliminary plan requirement, which staff supports. She noted that staff, Dauphin Engineering, and Dauphin County comments have been provided. She explained that Mr. Chad Angle, from Raudenbush Engineering, was present to represent the plan.

Mr. Neff questioned if the detention basin was underneath the parking lot. Ms. Moran noted that Dauphin Engineering reviewed that part of the plan and she would refer that question to Mr. Angle.

Mr. Chad Angle, of Raudenbush Engineering, 29 S. Union Street, Middletown, Pennsylvania, introduced himself to the Planning Commission.

Mr. Lighty questioned Mr. Angle if he had received copies of the Township, County and Dauphin Engineering comments. Mr. Angle answered that he did not receive the comments from Dauphin County until a few minutes ago. Mr. Lighty noted that Ms. Moran just distributed the comments from Dauphin County. Mr. Lighty noted that the comments from staff and Dauphin Engineering are numerous and he questioned Mr. Angle if there were any comments that he would not be able to meet, or would take issue with. Mr. Angle answered that he had some concerns and would like to discuss some issues with staff. Mr. Newsome noted that waivers are granted by the Planning Commission and not by staff. Mr. Angle noted that he would need to discuss some issues with staff, as the plan would need to come back to the Planning Commission at a later date.

Mr. Lighty noted that Mr. Angle needed more time to work with staff before he was prepared to bring the plan to the Planning Commission. Mr. Angle noted that once he received the comments, he noted that he needed time to address the comments. Mr. Guise noted that

Dauphin Engineering had numerous comments that needed to be addressed as well. Mr. Neff questioned if the applicant wanted to request to table the plan and reschedule. Mr. Angle answered that it was his intention to meet next month with the Planning Commission. Mr. Guise questioned if Mr. Angle would make the corrections and resubmit the plan. Mr. Angle agreed, as long as it was within the 90-day limit.

Mr. Newsome suggested to quickly review some of the comments to help Mr. Angle with the plan. He suggested that Mr. Angle should request to table the plan.

Mr. Newsome noted that he was curious about the issues of wetlands, and he questioned if there were wetlands on the site. Mr. Angle answered that there were none. Mr. Newsome questioned how he knew this. Mr. Angle noted that a member of his staff has made the determination that there were no wetlands on the site.

Mr. Newsome noted that staff found several discrepancies on the square footage of the plan. He questioned Mr. Angle if he had ever prepared a development plan for Lower Paxton Township before. Mr. Angle answered that he thought his office might have prepared a small plan before. Mr. Newsome noted that there were a number of issues that were mentioned that would not be on the plan if the Township's requirements were followed.

Mr. Newsome questioned Mr. Angle if it was his thought that a traffic study would not be required. Mr. Angle answered that currently, a sub-consultant is performing the first-step analysis, which would determine if it met the 100-trip generation requirement. He noted that he expects to have that information within the next two weeks.

Mr. Newsome noted that screen planting is shown on the plan, and he noticed a note that the screening must be extended on the plan.

Mr. Angle noted that he misinterpreted a zoning map in the office, which noted that the cemetery is R-1. Mr. Angle questioned if the Township had up-to-date zoning maps. Ms. Wissler noted that they are not currently available.

Mr. Angle questioned comment 10 since the building is sprinkled. Mr. Newsome noted that he would need to install the water hydrant. Ms. Moran noted that the closest fire hydrant is located in the area of South Side Elementary School.

Mr. Neff questioned where the standpipe would be located when there is a large sprinklered building. Mr. Angle explained that there are two water lines to the property, one is potable and one is designated as a fire service line. He explained that they could not hook up to that line. The fire truck could hook up to the fire hydrant. He noted that the assumption is that both systems are not to be used at the same time.

Mr. Angle noted that Dauphin Engineering requested the location of the Flood Plain Conservation District to be shown on the map. He noted that the release rates that he used were from Swatara Township. Ms. Wissler noted that she had plans for all the creeks and she suggested that he could use what was available.

Mr. Angle explained that the detention basin is south of the parking lot.

Mr. Neff questioned if there would be room for the 17 additional parking spaces. Mr. Angle answered that it would not be a problem to accommodate it, since there is additional room to the east of the property. Ms. Moran requested Mr. Angle to speak to the applicant regarding the parking that is there that is not allowed to be there. Mr. Neff questioned if the ordinance provides for a portion of the parking to be for compact vehicles. Ms. Wissler noted that it does not. Mr. Newsome suggested that extra large spaces should be required as well.

Mr. Lighty questioned Mr. Mallard if he had any comments to make. Mr. Mallard noted that comments 1, 5, and 6 addressed the issue of not showing that the northeast corner adjacent to the lot is R-1, and the cemetery is shown as R-1 as well. He noted that comment 2 concerns if there is an existing access from the existing development that is on the lot to Union Deposit Road. He noted that this should be mentioned on the plan.

Mr. Newsome made a recommendation to table this plan until the next Planning Commission Meeting. Mr. Guise seconded the recommendation, and the recommendation passed unanimously.

#### **Final Land Development Plan #04-33 for Patton Place**

Mr. Lighty noted that the Planning Commission received correspondence from the applicant requesting the plan be tabled. Mr. Guise made a motion to table the plan. Mr. Gingrich seconded the motion, and the motion carried unanimously.

#### **Ordinance 05-01 Adult Use**

Mr. Lighty noted that the Planning Commission reviewed the text of the Ordinance at the last meeting. He noted that the Planning Commission is to take formal action in order for the Ordinance to proceed in a timely manner.

Mr. Guise suggested that the comments from Dauphin County should be discussed. He noted that he was under the impression that this was not going to be a Conditional Use in the C-1 zone, but rather the L-1 zone. Ms. Wissler noted that, she and Mr. Wolfe, reviewed the zoning map and found that there were only two or three properties in the L-1 zone that met all the requirements. Mr. Guise noted that there were very few in the C-1 as well.

Mr. Guise questioned if it was the Township's desire to allow this conditional use in both the C-1 and L-1 zone. Ms. Wissler noted that it would only be permitted in the C-1 zone.

Mr. Guise noted that Mr. Mallard's suggestion for the renumbering of the Ordinance is a good suggestion. Mr. Mallard noted that, at the December workshop meeting, it was at that point that the Township determined that it would go with the L-1 designation. Ms. Wissler noted that the correct numbering for the ordinance should be 1153.18 and it was a mistake and the L-1 should be a C-1.

Mr. Guise noted that the Township was considering the second comment regarding the combination of adult uses allowed in only one zoning district and buffering requirements.



Mr. Mallard explained that the requirement of a 1-acre lot is excessive for this use. He noted that this might be a restriction to reduce the number of lots or areas that it would be located in. He suggested that it might allow for a larger scale building, which would not be preferable to the Township. He suggested that a better way to control this would be to have larger setbacks, or maximum building size requirement. Mr. Guise noted that the Township would not want a superstore in the Township. Mr. Mallard noted that most establishments like this are small in scale. Mr. Newsome noted that this was a good point. Mr. Lighty noted that a substantial change like this might not be able to be made at this time since the Ordinance has been advertised. Ms. Wissler noted that these changes could be made when the overall ordinances are adopted. Mr. Guise noted that the Planning Commission should only recommend minor changes. Ms. Wissler noted that the other recommendations should be made for the record for future changes.

Mr. Mallard noted that comment number four deals with the issue of alcoholic beverages not being allowed on site. He noted that he reviewed a similar ordinance in West Hanover Township two years ago, and that there was a setback distance requirement for adult uses and establishments that sell alcohol. He noted that it would be good not to have adult uses adjacent to establishments that sell alcoholic beverages. Mr. Lighty noted that when municipalities crack down on the sale of alcohol in places like this, then the place turns into “gentlemen’s club” where the alcohol is given away. This can lead to more drunkenness and problems. Mr. Gingrich noted that it could turn into a BYOB business. He noted that gentlemen’s clubs have a big cover charge and serve the alcohol for free.

Mr. Mallard noted that the proposed definition for “Adult Stores” indirectly states that less than 15% of their floor area dedicated to pornographic materials shall not be considered Adult Uses, and suggested that that percentage is too high. He stated the larger the use the larger the floor space dedicated for pornographic materials. He suggested using a smaller percentage like 5% or 10%.

Mr. Lighty noted that some of the legitimate video stores have back rooms that they keep the materials in. He questioned what percentage of space they use for this use. Mr. Newsome suggested that this is like a sign ordinance; he noted that it is a function of the size of the building. He suggested that the pornographic business would not work well within other buildings but would want to be a freestanding building. He suggested that the percentage change would not make much difference.

Mr. Mallard noted that the definition of “massage parlor” specifically prohibits that massages are not to be conducted below the waist, and he suggested that it be changed to below the neck or the shoulder blade. He noted that the sections dealing with medical massages are okay. Mr. Lighty questioned what the concern was. Ms. Wissler noted that Mr. Mallard is referencing massages given to women. Mr. Guise suggested that this issue might be self-regulating. Mr. Newsome suggested dropping the section, “below the waist”. Mr. Guise noted that he had a problem with the wording for the first line noting that the establishments meets all of the following criteria, but three of the sections are exceptions. Mr. Mallard noted that similar ordinances do not define massage parlors in the same manner. Mr. Guise noted that this recommendation would need to be addressed in future changes.

Mr. Neff suggested that a person, male or female, who seeks out this type of establishment, is looking for a certain level of gratification.

Mr. Mallard noted that comment number seven suggested changing the name sex act to specified sexual activities, which would be defined. He noted that it would close a loophole. Mr. Newsome noted that it was a good suggestion and he would recommend this.

Mr. Mallard noted that 1196.11 mentions the term “lap dancing” and he suggested that it should be defined in the ordinance.

Mr. Guise noted that comment number one and seven are minor corrections and could be made at this time. Mr. Lighty noted that the recommendations be made conditioned on the fact that the corrections are determined to be minor and would not jeopardize the process.

Mr. Guise made a recommendation to accept Mr. Mallard’s recommendation for number one and number seven, and noted that the other recommendations from Dauphin County be considered as part of the overall revision of the ordinances at a later time. Mr. Neff seconded the recommendation. A voice vote was taken and all members voted aye.

Mr. Newsome noted that the Sign Committee would be having a meeting on Thursday, January 27<sup>th</sup> at 8 a.m.

Mr. Neff noted that it was discussed at the workshop meeting the previous night that many applications come before the Planning Commission incomplete. Mr. Neff questioned if the intake process had a provision to determine that the plan is complete that it could proceed to the Planning Commission, or does staff have the ability to tell the applicant that the plan is not ready. He questioned what occurs in the initial process.

Ms. Wissler noted that a plan, such as Harrisburg Gastroenterology Plan, would not go to the Board of Supervisors with that many comments. Mr. Newsome noted that some plans come to the Planning Commission that do not come close to meeting the specifications or the requirements of the Ordinances. He questioned when the clock starts for a plan when it is presented to the Township. Ms. Wissler noted that the 90 days starts at the Planning Commission Meeting. She noted that the plans are submitted three-weeks prior to the meeting, and that it is never enough time to review all the plans and receive all the comments.

Mr. Newsome questioned if staff had the ability to table a plan if the plan does not come close to meeting the requirements the day before the meeting. Ms. Wissler answered that she thought she would have the right, but she never has because most applicant’s want to come and discuss the plan with the Planning Commission. Ms. Wissler noted that the clock would start whether the plan was brought before the Planning Commission or delayed.

Mr. Gingrich noted that this was discussed in previous years with regards to the seriousness of the issues, and whether plans should be brought to the Planning Commission. He questioned if it would be better to have staff go back to the applicant and tell him that the plan does not meet the criteria of the Ordinances and therefore it would not be brought before the Planning Commission. Ms. Wissler questioned if the Planning Commission would not have a problem with staff making that decision. Mr. Gingrich noted that it might help with staff’s workload, even before the plan would be submitted to the engineer and Dauphin County.

Mr. Neff noted that if staff does not have the tools to hold up a plan, then it could be written in the new ordinances. Mr. Gingrich agreed that it was a good idea. Ms. Wissler noted that she would check to see if staff could make that determination.

Mr. Lighty suggested that an applicant should have a right to have his plan heard before the Planning Commission. He noted that the applicant does not receive the comments until the Friday before the meeting, and that part of the role of the Commission is to work with the applicant to help them meet the comments, or to make suggestions.

Mr. Gingrich noted that that may be true, but some plans are grossly inadequate. Mr. Lighty noted that they do not get a recommendation for approval until they meet the requirements within the 90 days limits. Mr. Gingrich noted that a plan could be granted an extension of time.

Mr. Neff questioned what fees an applicant pays for the Townships' services. Ms. Moran answered that an applicant pays between \$80 to \$125 for the application fee, and then there is the engineering review fees at \$30 per hour. Ms. Wissler noted that the Township recently increased these fees. Mr. Neff noted that with the applicant fees of \$200, plus the salaries for staff to attend the meetings, it would amount to over \$500 just to tell an applicant to table the plan, and go back and rework the plan.

Ms. Moran questioned if she suggested, under the comments, that the plan should be tabled, and that the plan should not be reviewed, would she have the right to do this if the applicant wanted the plan to be heard at the Planning Commission. Mr. Newsome noted that she would not be able to deny the applicant the opportunity to bring the plan to the Planning Commission. Mr. Guise noted that, if a suggestion were made to an applicant to table a plan, they would probably do so.

Mr. Lighty suggested that staff must be somewhat lenient to a new developer to the Township. Mr. Newsome noted that there is a middle ground, and the Planning Commission should be more forceful with the developers. It may be better to allow the Planning Commission to make that decision. Mr. Newsome noted that this should not be a negotiating meeting, but rather a fact-finding meeting. Mr. Newsome noted that he would not want to keep a developer away, but would rather try to help him find solutions to the problems.

Mr. Newsome noted that in the case of the Harrisburg Gastroenterology Plan, staff could have made a recommendation to table the plan. Mr. Lighty noted that if a plan is really bad, or if there is a developer who has the same problems all the time, then the Planning Commission could vote not to recommend the plan, and not to table the plan, and then the Board of Supervisors would make a decision which would result in the person starting all over.

Mr. Lighty questioned if the applicant's engineers were to get their comments earlier, would it help. Ms. Moran noted that the developer only receives the comments the Friday before the Wednesday meeting.

Mr. Neff noted that he liked the idea of reviewing a conceptual plan, which allowed a developer to receive comments before the person proceeds with the plan. He noted that in his previous job, he had a process called the "open window", which for one week each month, a Zoning Officer would review the plan and notify the applicant if the plan was deemed complete,

subject to the following conditions. An application that was not deemed complete, with major discrepancies would require a redraw of the plan. He noted that no clock started, and the plan was tabled till the next month. He noted that the ordinance gave the Community Development Department staff the right to make a determination if an application was fit to proceed.

Mr. Lighty noted that his concern is that, under the law, people have the right to petition their government, and they have the right to bring a plan before the Planning Commission. He noted that if the plan does not meet the legal requirements, then the Planning Commission could send the applicant back to fix the plan, or deny the plan.

Mr. Gingrich noted that he liked the comment made which reserves the right to make additional comments at the next submission.

Mr. Guise noted that if an applicant wishes to table a plan, then the Planning Commission should immediately discontinue all discussion of that plan, and table it immediately, the same as when a person writes a letter.

Mr. Guise noted that the applicant has a right to be heard and voted on. Mr. Mallard noted that West Hanover Township has a pre-application meeting, but he does not know what that involves.

Mr. Mallard noted that if the applicant knows that they intend to table a plan due to the enormity of the project, such as the Wall-Mart Plan, that it would be good to discuss the plan with the developer, to bring up the major problems. Mr. Gingrich noted that it is very appropriate to do that in large plans.

Mr. Gingrich questioned if there has been any news regarding the Wall-Mart Plan. Ms. Wissler answered that the citizens have joined the lawsuit and they are trying to resolve some issues with them. Mr. Guise noted that there was a challenged to the citizens group for a lack of standing.

Mr. Neff noted, regarding the KoKoMo's and the Wallaby's plan, that by going through a review process it would have made a substantial difference as to how the properties fit into the plan ingress and egress. He questioned if something could be done to close the loophole. Ms. Wissler suggesting taking out the section of the ordinance that had the calculations that state that if you only add so much to your building, then you do not have to do a land development plan. Mr. Lighty noted that the idea behind the regulation was not to punish the small business owner who wanted to make a minor expansion. Ms. Wissler noted that once a specific calculation is made, the developer would always come in just under the maximum requirement. Mr. Mallard suggested modifying the formula and making the amount of increase smaller. Mr. Lighty noted that KoKoMo's was grand fathered in since it was rebuilt on the same footprint. Mr. Newsome noted that since the building was damage by fire and an identical building was rebuilt, nothing could be done. He noted that if expansions had been proposed, then there would have been numerous site concerns. Mr. Neff suggested that a change should be made to the ordinance to stop this from occurring.

Mr. Neff noted that the C-1 areas along Rt. 22 and parts of Union Deposit Road are going to be recycled, that it is important to upgrade the property, which would upgrade the entire area.

Mr. Neff noted that he would like to see more detail in the landscaping plan. He noted that he would like to know what is to be planted. He noted that in the Kurtz Rental Plan, six months out of the year, the area would be visible from the residential area. He noted that there should have been a landscape plan. Ms. Moran noted that for the plan on Locust Lane, the prior Ollie Cromwell property, the plan requires a double row of trees to be planted on both sides of the property. Mr. Newsome questioned if the Shade Tree Commission is ever involved in plans. Ms. Wissler noted that she gets their input on the bigger plans. Mr. Neff questioned if this should be more specifically stated in the ordinance.

### **Adjournment**

There being no other business, Mr. Lighty made a motion to adjourn the meeting. Mr. Guise seconded the motion and the meeting adjourned at 8:55 p.m.

Submitter by:

Maureen Heberle  
Recording Secretary